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April 7, 2004

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APR - 8 2004  
PUBLIC SERVICE  
COMMISSION

Hon. Thomas M. Dorman  
Executive Director  
Kentucky Public Service Commission  
211 Sower Blvd.  
P. O. Box 615  
Frankfort, KY 40601

***Re: In the matter of Joint Petition for Arbitration of NewSouth Communications Corp., NuVox Communications, Inc., KMC Telecom V, Inc., KMC Telecom III LLC, and Xspedius Communications, LLC on Behalf of Its Operating Subsidiaries, Xspedius Management Co. Switched Services, LLC, Xspedius Management Co. of Lexington, LLC, and Xspedius Management Co. of Louisville, LLC of an Interconnection Agreement with BellSouth Telecommunications, Inc. Pursuant to Section 252(b) of the Communications Act of 1934, as Amended; Case No. 2004-00044 before the Public Service Commission of the Commonwealth of Kentucky***

Dear Mr. Dorman:

Enclosed is an original and eleven (11) copies of a Motion for Procedural Schedule for filing in the above-styled case.

Please file stamp the additional copy and return to me in the self-addressed, postage prepaid envelope furnished herewith.

As always, if you have any questions, please call me.

Very truly yours,

DINSMORE & SHOHL LLP



John E. Selent

JES/bmt  
Enclosure

cc: All Parties of Record  
Amy E. Dougherty, Esq.

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32138-1

**COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION**

*In the Matter of:*

NEWSOUTH COMMUNICATIONS CORP., )  
NUVOX COMMUNICATIONS, INC., )  
KMC TELECOM V, INC., )  
KMC TELECOM III LLC, AND )  
XSPEDIUS COMMUNICATIONS, LLC )  
on Behalf of its Operating Subsidiaries )  
XSPEDIUS MANAGEMENT CO. )  
SWITCHED SERVICES, LLC )  
XSPEDIUS MANAGEMENT CO. OF LEXINGTON, LLC, )  
and )  
XSPEDIUS MANAGEMENT CO. OF LOUISVILLE, LLC )  
)  
Of an Interconnection Agreement with BellSouth )  
Telecommunications, Inc. Pursuant to Section )  
252(b) of the Communications Act of 1923, as )  
Amended )

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COMMISSION  
  
Case No.  
2004-00044

**MOTION FOR PROCEDURAL SCHEDULE**

Petitioners, NewSouth Communications Corp.; NuVox Communications, Inc.; KMC Telecom V, Inc. and KMC Telecom III LLC; and Xspedius Communications, LLC on behalf of its operating subsidiaries Xspedius Management Co. Switched Services, LLC, and Xspedius Management Co. of Lexington, LLC and Xspedius Management Co. of Louisville, LLC (collectively, the "Petitioners"), by counsel, hereby move the Public Service Commission of the Commonwealth of Kentucky (the "Commission") to establish the following procedural schedule:

- (1) Petitioners shall prefile and serve testimony by July 7, 2004;
- (2) BellSouth Telecommunications, Inc. ("BellSouth") shall prefile and serve testimony by August 2, 2004;
- (3) Petitioners' reply testimony shall be filed and served by August 16, 2004;

(4) Discovery shall begin on April 12, 2004, and shall end on June 25, 2004 by filing and service;

(5) The hearing of this matter shall be September 8-10, 2004 (Petitioners would ask that no hearing be scheduled between the dates of September 12 - October 2, 2004 because Petitioner's lead counsel is expecting a baby during those weeks); and

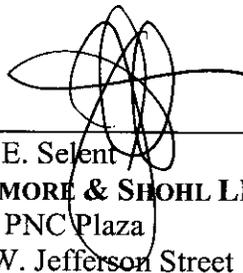
(6) All written discovery shall be responded to within 30 calendar days of filing with the Commission.

As grounds for this motion Petitioners state that this procedural schedule has been coordinated with the procedural schedule proposed in other states in which Petitioners have filed similar arbitration petitions against BellSouth so that this schedule for Kentucky should be convenient for both Petitioners and BellSouth. Petitioners hope that the proposed procedural schedule will, likewise, be convenient for the Commission.

Finally, Petitioners note that the 270th day following the beginning of negotiations in the arbitration is June 3, 2004. Because this procedural schedule set forth above necessarily extends beyond this date, Petitioners are willing to extend the statutory decisional deadline to November 3, 2004, and would ask the Commission to confirm, by order, its agreement to this extension of the date by which the Commission must resolve this matter.

Petitioners therefore urge the Commission to adopt the procedural schedule set forth above.

Respectfully submitted,



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*Counsel to the Joint Petitioners*

**CERTIFICATE OF SERVICE**

It is hereby certified that the foregoing was served by mailing a copy of the same by First Class United States Mail, postage prepaid, to the following, this 7<sup>th</sup> day of April, 2004.

J. Phillip Carver  
BellSouth Telecommunications, Inc.  
1155 Peachtree Street  
Atlanta, GA 30309-3610

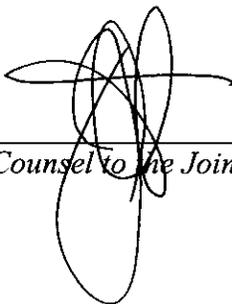
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